

REMARKS

Upon entry of the present amendment, claims 11 and 19 will have been amended while claims 24-25 will have been submitted for consideration by the Examiner. In addition, a new title will have been submitted and the specification will have been amended.

In view of the herein contained amendments and remarks, Applicants respectfully request reconsideration and withdrawal of each of the outstanding objections and rejections set forth in the above-mentioned Official Action in view of the herein contained amendments and remarks. Such action is respectfully requested and is now believed to be appropriate and proper.

In the outstanding Official Action, the Examiner asserted that the title of the invention is not descriptive and required a new title that is clearly indicative of the invention to which the claims are directed. By the present Response, Applicants have submitted a new title which is descriptive of the claimed invention. Accordingly, approval and entry of the herein submitted title is respectfully requested.

The Examiner objected to claims 10-13, 19, 22 and 23. Regarding claims 11 and 19, the Examiner asserted that a definition of Eb/No is not provided in the claim. In this regard, Applicants submit that the ratio of Eb/No is well known and understood by those of skill in the relevant art. Accordingly, a definition of this ratio is not required to be provided in each claim. Rather, what Applicants have done to satisfy the Examiner's concerns is to amend the specification to explicitly define this well known ratio.

It is respectfully submitted that the amendment to the specification does not comprise the addition of prohibited new matter to the present application as the ratio was present in the originally filed application. Merely adding the well known definition of this

term is being provided by the present amendment. Accordingly, the amendment to the specification is submitted to be appropriate and proper and does not constitute prohibited new matter.

The Examiner objected to claims 13 and 23. These claims have been canceled and thus the rejection thereof has been rendered moot.

Applicants thank the Examiner for his detailed and thorough examination of the present application which has enabled Applicants to resolve the outstanding issues set forth by the Examiner.

In the outstanding Official Action, the Examiner rejected claims 11, 12, 19 and 22 under 35 U.S.C. § 103(a) as being unpatentable over KOMATSU (U.S. Patent No. 5,818,882) in view of WALLEY et al. (U.S. Patent No. 6,744,808). Applicants respectfully traverse the above rejection and submit that it is inappropriate with respect to the combination of features recited in Applicants claims.

In particular, Applicants note that the Examiner has admitted that KOMATSU does not disclose a reception situation estimator or a calculation length controller. However, the Examiner asserts that WALLEY et al. teaches these features.

Applicants respectfully traverse the rejection. Applicants note that the transmit controller 805 and the code generator 807 of WALLEY et al. does not operate in accordance with the recitations of Applicants claims. In particular, WALLEY et al. appears to disclose that the transmit controller 805 adjusts a variable length PN code generator 807 to tailor an output data stream to specific conditions. The transmit controller 805 looks at control inputs 817 which include interference level 813 and signal strength 805. In this regard, the Examiner's attention is respectfully directed to, inter alia, Fig. 8, column 9, lines

However, it is clear that the transmit controller 805 does not adjust the length of a spreading code to be used in performing a correlation calculation in a reception operation. Rather, the device of WALLEY et al. utilizes the transmit controller to adjust the length of a spreading code to be used to spread an output data stream for transmission. Thus, the combination of KOMATSU and WALLEY et al. does not disclose or suggest controlling a calculation length of a correlation calculation according to a signal-to-noise ratio reception power or E_b/N_o .

In order to even more clearly emphasize this feature of Applicants invention, Applicants have amended independent claims 11 and 19. These amendments do not substantially affect the scope of the claims but merely clarify the recitations thereof. In particular, claims 11 and 19 have been amended to recite, e.g., that the reception situation estimator estimates the signal-to-noise ratio, reception power or E_b/N_o from the reception signal "on which the correlation calculation is performed". Accordingly, Applicants pending claims 11 and 19 are submitted to be clearly patentable over the combination asserted by the Examiner. An action to such effect is respectfully requested in due course.

By the present Response, Applicants have submitted several additional claims for consideration by the Examiner. These claims are based on previously pending claims 11 and 19 and are submitted to be patentable based on the combination of features recited therein.

In particular, new claims 24 and 26 recite, inter alia, that the reception situation estimator estimates a ratio E_b/N_o based on the reception signal and that the calculation length controller controls the calculation length according to the E_b/N_o estimated by the

reception situation estimator. It is respectfully submitted that the references cited by the Examiner do not disclose estimating Eb/No based upon a reception signal and controlling calculation length in accordance with the estimated Eb/No.

Accordingly, for these additional reasons, it is respectfully submitted that newly submitted claims 24 and 26 are clearly patentable over the references cited by the Examiner. In particular, neither KOMATSU nor WALLEY et al. disclose the use of Eb/No in the context of Applicants newly submitted claims. Nor has the Examiner even asserted that either of these references disclose the use of Eb/No in spite of the fact that the recitation of Eb/No was contained in the previously pending claims.

Accordingly, it is respectfully submitted that newly submitted claims 24-25 are clearly patentable over the combination of references cited by the Examiner.

Applicants note that the status of the present application is after Final Rejection and that once a Final Rejection has issued, Applicants do not have a right to amend the claims in an application. Nevertheless, and in accordance with 37 C.F.R. § 1.116, Applicants respectfully submit that entry of the present amendment is appropriate and proper. In particular, the amendments to pending claims 11 and 19 are submitted to not raise new issues requiring further consideration or search but rather to merely more clearly define a feature of Applicants invention. Additionally, the newly submitted claims are based upon claims 11 and 19 and merely delete several recitations therefrom. Accordingly, these claims also do not raise any new issues requiring further consideration or search.

Additionally, the amendments to the specification and title have merely complied with the Examiner's requirements or have overcome objections.

Accordingly, Applicants submit that entry of the present amendment is appropriate

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and proper and is respectfully requested together with an indication of the allowability of all the claims pending in the present application, in due course.

SUMMARY AND CONCLUSION

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so. Applicants have amended the claims merely to clarify the recitations thereof and have pointed out the features of the claims that define over the references cited herein. Applicants have further submitted several additional claims for consideration by the Examiner and have pointed out a basis for the patentability of these claims in accordance with their recitations.

Applicants have discussed the disclosure of the references and have pointed out the significant and substantial shortcomings thereof with respect to the features of Applicants claims. Applicants have further discussed the features of the pending claims and have pointed out the shortcomings of the applied references with respect thereto.

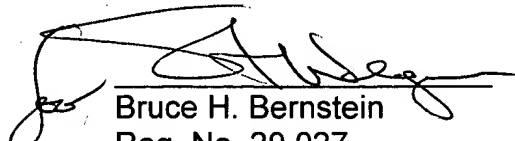
Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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